

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

JACQUELINE RAMOS and EDWIN
JOHNSON, individually and on behalf of all
others similarly situated,

Plaintiffs,

v.

WALMART INC.,

Defendant.

Case No. 2:21-cv-13827-BRM-AME

Hon. Brian R. Martinotti, U.S.D.J.
Hon. Andre M. Espinosa, U.S.M.J.

**[PROPOSED] ORDER REVERSING
MAGISTRATE JUDGE'S DISCOVERY
ORDER, OR ALTERNATIVELY,
ISSUING A JUDGMENT ON THE
PLEADINGS**

THIS MATTER having been brought before the Court by Defendant, Walmart Inc. (“Defendant”), by and through its attorneys, appealing Magistrate Judge Espinosa’s July 29, 2022 Discovery Order (ECF No. 77) and in the alternative, moving for a judgment on the pleadings; and the Court having considered parties’ briefing and arguments in support during the hearing; it is hereby

ORDERED that Magistrate Judge Espinosa’s rulings on “Issue 4” in the July 29, 2022 Discovery Order (ECF No. 77 at 2, 4) are REVERSED. The Magistrate Judge has the authority to determine the statute of limitations for Plaintiffs’ claims asserted under the Pennsylvania Criminal History Record Information Act (“CHRIA”) because the issue is necessary to the determination of the discovery question presented to him—*i.e.*, the proper temporal scope of written discovery pertaining to Plaintiffs’ CHRIA claims. The Magistrate Judge shall further consider the parties’ arguments’ on this issue without deference to any “colorable possibility” presented by either party.

[ALTERNATIVELY] IT IS ORDERED that the proper statute of limitations governing Plaintiffs' CHRIA claims is two years, as set forth in 42 Pa.C.S.A. § 5524(7). The Magistrate Judge shall enter a new discovery order consistent with this limitations period.

Dated: _____, 2022

The Honorable Brian Martinotti